

For: State and County Offices

**Lamb Promotion, Research, and Information Program (Lamb Checkoff Program)
Continuance Referendum - February 2, 2009, Through February 27, 2009**

Approved by: Acting Administrator



1 Overview

A Background

The Commodity Promotion, Research, and Information Act of 1996 (Act) authorized a program of promotion, research, and information to be developed through the announcement of the Lamb Promotion, Research, and Information Order (Order). The Act required that:

- the Secretary conduct a referendum during a representative period established by the Secretary among persons subject to assessment

Note: These persons include lamb producers, feeders, seedstock producers, and first handlers.

- a referendum to ascertain approval of an Order must be conducted no later than 3 years after assessments first begin.

Note: Assessments began on July 1, 2002.

A referendum of lamb producers, feeders, seedstock producers, and first handlers of lamb and lamb products was conducted from January 31, 2005, through February 28, 2005. A majority of the participants, who represented a majority of the volume of lambs, voted in favor of continuing the Order. The Act also required a subsequent referendum on the Order be conducted no later than 7 years after assessments first begin. USDA is now required to conduct a nationwide referendum among persons subject to the assessment by July 1, 2009. The Order will continue if a majority of the persons voting, who also represent a majority of the volume of lambs, vote in favor of continuing the Order. If continuing the Order is **not** approved by eligible persons voting in the referendum, USDA will begin the process of terminating the Lamb Checkoff Program.

Disposal Date	Distribution
August 1, 2009	State Offices; State Offices relay to County Offices

Notice AO-1435

1 Overview (Continued)

A Background (Continued)

The Order would continue if a majority of those persons voting, who also represent a majority of the volume of lambs, owned and produced, owned and fed, or slaughtered, vote in favor of continuing the Lamb Checkoff Program.

The AMS Administrator is responsible for conducting the referendum. FSA is responsible for assisting AMS with the referendum.

B Purpose

This notice provides instructions to State and County Offices on how to carry out FSA's responsibilities in conducting the Lamb Checkoff Program continuance referendum.

Important: It is extremely important that State and County Offices follow this notice timely and accurately.

C Contact

State Offices shall direct questions about this notice to Rick Pinkston, Field Operations Staff, by either of the following:

- e-mail at **rick.pinkston@wdc.usda.gov**
- telephone at 202-720-1857.

Notice AO-1435

1 Overview (Continued)

D State and County Office Action

State and County Offices shall assist AMS in conducting the referendum according to paragraph 2 and Exhibits 1 through 7. AMS provided the instructions.

Note: The Lamb Promotion, Research, and Information Board (Board) will reimburse FSA for expenses incurred.

Step	Action
1	<p>County Offices shall publicize the referendum by including referendum information in regular newspaper articles, county newsletters, or radio programs (Exhibit 2).</p> <p>Notes: County Offices shall not prepare a special mailing of postcards or newsletters to publicize the referendum. Information distributed through the normal media outlets mentioned in this step will be sufficient announcement of the referendum.</p> <p>Costs incurred for special mailings will not be reimbursed by the Board. However, include excerpts from the news release titled, “USDA Sets Date for Lamb Referendum”, (Exhibit 2) in routine County Office newsletters and free press. The AMS news release is posted at www.ams.usda.gov/LSMarketingPrograms.</p>
2	<p>County Offices shall:</p> <ul style="list-style-type: none"> • maintain a register of associated and reimbursable costs and report these costs to the State Office by March 27, 2009, using Exhibit 3, Part A • report the results of the referendum to the State Office by March 27, 2009, using Exhibit 4, Part A.
3	<p>State Offices shall:</p> <ul style="list-style-type: none"> • summarize the County Office costs using Exhibit 3, Part B <p>Note: Associated costs incurred by the State Office shall be included in the State report.</p> <ul style="list-style-type: none"> • summarize the County Office results using Exhibit 4, Part B • transmit the summarized costs and summarized results to Rick Pinkston, Field Operations Staff, at either of the following: <ul style="list-style-type: none"> • e-mail at rick.pinkston@wdc.usda.gov • telephone at 202-720-1857.

Exhibit 3 is available at <http://165.221.16.90/dam/ffasforms/currentforms.asp>. ENTER “**Lamb Expenses**” in the “Form Number” field.

Exhibit 4 is available at <http://165.221.16.90/dam/ffasforms/currentforms.asp>. ENTER “**Lamb Results**” in the “Form Number” field.

Notice AO-1435

2 Action

A Maintaining FSA's Impartiality

It is extremely important that State and County Offices follow this notice accurately and according to the dates and timeframe provided. AMS requested FSA's assistance to conduct this referendum.

Caution: State and County Office employees and COC members shall use caution to ensure that FSA is **not** exhibiting bias or partiality. State and County Offices shall **not** become involved in the following:

- issues relating to the USDA regulations in 7 CFR Part 1280
- encourage or discourage persons from participating in the referendum
- determine eligibility other than in an official capacity
- prejudice for or against the Lamb Checkoff Program.

B Downloading LS-86-1

County Offices should obtain LS-86-1 (Exhibit 7) through the Internet and reproduce locally as necessary. LS-86-1 is available on the AMS web site at <http://www.ams.usda.gov/LSMarketingPrograms>. CLICK "**Lamb Checkoff Referendum Information**" and CLICK "**Form LS-86-1**".

Note: LS-86-1 will **only** be available on the AMS web site beginning **February 2, 2009**, through **February 27, 2009**.

AMS Instructions for Conducting the Referendum

1 Conducting the Referendum on the Order

A Responsibilities

The AMS Administrator is responsible for conducting the referendum.

FSA will assist in conducting the referendum by:

- publicizing the referendum
- accepting ballots from voters
- confirming eligibility of those persons who vote in the referendum
- reporting referendum results to AMS.

B Purpose

The purpose of these instructions is to:

- describe the significance of the referendum
- establish procedures about:
 - State and County Office actions
 - eligibility
 - showing evidence for voting eligibility
 - canvassing and counting ballots and reporting results
 - retaining and disposing records.

2 Referendum Period

A Significance of the Referendum

The Order would continue if a majority of those persons voting, who represent a majority of the volume represented in the referendum, vote in favor of the Lamb Checkoff Program.

If the continuation of the Order is **not** approved by eligible persons voting in the referendum, USDA would begin the process of terminating the Lamb Checkoff Program.

B Time and Place of Referendum

The referendum will be held:

- from **February 2, 2009**, through **February 27, 2009**
- in County Offices.

AMS Instructions for Conducting the Referendum (Continued)**3 Eligibility****A Eligibility Requirements**

The representative period for establishing voter eligibility for the referendum shall be the period from January 1, 2008, through December 31, 2008. Persons who were engaged in the production, feeding, or slaughtering of lambs and who provide documentation, such as a sales receipt or remittance form, showing that they were engaged in the production, feeding, or slaughter of lambs from January 1, 2008, through December 31, 2008, are eligible to vote.

The Act defines “**person**” as any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity. Any “**person**” subject to the assessment who, during the representative period determined by the Secretary, has engaged in the production, feeding, or slaughtering of lambs, is eligible to participate in the referendum.

Exception: The following are **not** eligible to participate in the referendum:

- a person whose only share in the proceeds of a sale of lambs is a sales commission, handling fee, or other service fee
- a person who acquired ownership of lambs to facilitate the transfer of ownership to a third party and who resold the lambs no later than 10 calendar days from the date of acquiring ownership.

The representative period is **January 1, 2008**, through **December 31, 2008**.

Notes: A group of individuals, such as any of the following, who engaged in the production, feeding, or slaughtering of lambs between January 1, 2008, through December 31, 2008, as a producer, feeder, or first handler shall be entitled to cast only 1 vote:

- members of a family
- joint tenants
- tenants in common
- partnerships, general or limited
- owners of community property
- corporations.

Any individual member of a group, who is an eligible person separate from the group, may vote separately.

Example: Husband and wife own operation A. Wife owns operation B. Two votes may be cast, 1 for operation A and 1 for operation B, if both operations provide separate supporting documentation for each operation.

AMS Instructions for Conducting the Referendum (Continued)**3 Eligibility (Continued)****B Participating in Referendum or FSA-211**

Participating in the referendum by proxy or FSA-211 (to act for another) is **not** authorized, except that an authorized representative of any eligible producer, feeder, or first handler entity (other than an individual person), such as a corporation or partnership, may vote on behalf of that entity. FSA-211 is **not** applicable since it specifically deals with FSA programs.

- An officer or authorized representative of a qualified corporation, association, or limited partnership may vote for that corporation, association, or limited partnership.
- A guardian, administrator, executor, or trustee of any qualified estate or trust may vote for that estate or trust.
- Proxy registration is **not** authorized. An individual cannot vote on behalf of another individual, such as spouse, share crop lease, etc.

Important: Under **no** circumstance should any person wanting to vote be refused the opportunity to vote.

4 Requesting Referendum Boxes and Obtaining LS-86-1**A Requests for Referendum Boxes**

County Offices shall provide a holding box or container of sufficient size so arranged that no LS-86-1 can be read or removed without breaking seals on the container.

B Obtaining LS-86-1

Eligible persons may obtain LS-86-1 in-person, by mail, FAX, or telephone. The County Office shall mail directly to the person, at the address provided by the person, if requested by mail, FAX, or telephone. Persons may also obtain LS-86-1 through the Internet at **<http://www.ams.usda.gov/LSMarketingPrograms>**. CLICK “**Lamb Program Referendum Information**” and CLICK “**Form LS-86-1**”.

In-person, mail, or FAX requests **must** be for only one LS-86-1.

Note: A list of names is **not** an individual request.

AMS Instructions for Conducting the Referendum (Continued)**5 Completing LS-86-1****A Overview**

County Offices **must** provide all persons the opportunity to vote during regular work hours during the period **February 2, 2009**, through **February 27, 2009**.

A completed and signed LS-86-1 and supporting documentation **must** be returned to the County Office where the person's farm records are administratively located.

For the person **not** participating in FSA programs, the opportunity to participate in the referendum will be provided at the County Office serving the county where the person's operation is located. If an operation is located in several counties, the voting office shall be determined based on the major portion of the operation's location. For the producer **not** participating in FSA programs, the opportunity to participate will be provided at the County Office where the person owns or rents land.

Note: Each person is entitled to only 1 vote.

B Eligible Person Action

Eligible persons **must**:

- complete LS-86-1 in its entirety
- vote "Yes" or "No" to continue the Order
- enter the number of lambs (volume of production) owned, produced, fed, or slaughtered from January 1, 2008, through December 31, 2008
- provide **supporting documentation**, such as a sales receipt or remittance form, showing that the person was engaged in the production, feeding, or slaughtering of lambs between January 1, 2008, through December 31, 2008
- sign LS-86-1 certifying that they were engaged in the production, feeding, or slaughtering of lambs between January 1, 2008, through December 31, 2008, and that the volume of production voted is true and accurate to the best of their knowledge.

Note: A lamb is any ovine animal of any age, including ewes and rams.

AMS Instructions for Conducting the Referendum (Continued)**5 Completing LS-86-1 (Continued)****C Voting Volume of Production**

The **volume of production**:

- must be:
 - determined by the person voting before completing LS-86-1
 - verifiable
- is recorded as follows:
 - producers and seedstock producers enter the **total number** of live domestic lambs **owned** and **produced** from January 1, 2008, through December 31, 2008
 - feeders enter the **total number** of lambs **owned** and **fed** from January 1, 2008, through December 31, 2008
 - first handlers enter the **total number** of lambs **slaughtered** from January 1, 2008, through December 31, 2008.

If a person is involved in more than 1 type of production (such as producer, feeder, or first handler), that person records the number of ovine animals owned at each stage of production.

Example: Mrs. Jane Doe owned and produced 150 sheep during the representative period. Mrs. Doe fed 50 lambs to slaughter weight and had all of those lambs custom slaughtered by a local facility. In this example, Mrs. Doe is entitled to vote “Yes” or “No” 1 time and will enter the number of animals owned during each type of production. Therefore, Mrs. Doe will enter “150” under “Producer”, “50” under “Feeder”, and “50” under “First Handler” for a total of 250. If the lambs were sold directly to the first handler, then Mrs. Doe would enter “200”.

D In Person at the County Office

A person who obtains LS-86-1 at the appropriate County Office may complete and return LS-86-1 at that time. The person **must**:

- complete and sign LS-86-1 in its entirety **and** attach (staple) the supporting documentation
- place LS-86-1 and attached supporting documentation in the holding box or container.

Note: If a voter wants the original supporting documentation returned, make a copy to attach to LS-86-1 and return the original supporting documentation to that person.

AMS Instructions for Conducting the Referendum (Continued)**5 Completing LS-86-1 (Continued)****E By Mail or FAX**

Persons who return LS-86-1 by mail or FAX **must** complete and sign LS-86-1 in its entirety, and return it to the appropriate County Office along with supporting documentation.

When LS-86-1 is returned by mail or FAX, the County Office shall:

- **date stamp** LS-86-1
- attach any supporting documentation (copies are acceptable)
- place LS-86-1 and supporting documentation in the holding box or container.

Note: FSA-237 does **not** need to be on file for LS-86-1's returned by FAX.

6 Canvassing Requests**A Overview**

The names of persons voting in the referendum shall be **confidential** and may **not** be divulged except as the Secretary may direct.

Canvassing LS-86-1's shall take place on **March 9, 2009**. At least two COC members shall assist with the canvassing. If the County Office serves more than 1 county, then a COC member from each county served by the office shall assist in the canvassing.

Exception: STC or SED, if authorized by STC, may designate the following:

- CED and a State or County Office employee to canvass requests if it is determined that the number of LS-86-1's is so limited that having COC members present would be impractical
- CED and/or a State or County Office employee to canvass requests in any emergency situation precluding at least two COC members from being present to canvass the requests.

LS-86-1's for the referendum shall be canvassed according to the following subparagraphs.

Note: It is the responsibility of the person to provide information needed by the County Office to determine eligibility. It is **not** the responsibility of the County Office to obtain this information.

AMS Instructions for Conducting the Referendum (Continued)

6 Canvassing Requests (Continued)

B Valid LS-86-1's

FSA will consider LS-86-1 as being valid if the person has been determined eligible by FSA, LS-86-1 has been completed in its entirety, and supporting documentation has been provided.

C Ineligible Participants

If FSA **cannot** determine that a person is eligible based on the submitted supporting documentation or if the person fails to submit supporting documentation, the person shall be determined to be ineligible.

D Invalid LS-86-1's

An invalid LS-86-1 may include, but is **not** limited to, the following:

- LS-86-1 is **not** signed, completed in its entirety, or all required information has **not** been provided
- LS-86-1 and supporting documentation returned **in person** or **by FAX** was **not** received by COB **February 27, 2009**
- LS-86-1 and supporting documentation returned **by mail** was **not** postmarked by **February 27, 2009**
- LS-86-1 and supporting documentation returned **by mail** was **not** received in the County Office on or before **March 6, 2009**
- LS-86-1, or the supporting documentation, is mutilated or marked in such a way that any required information on LS-86-1 or supporting documentation is illegible
- LS-86-1 and supporting documentation was **not** returned to the appropriate County Office.

AMS Instructions for Conducting the Referendum (Continued)

6 Canvassing Requests (Continued)

E Notification of Ineligibility

If FSA **cannot** determine that a person is eligible based on the submitted documentation, or if the person fails to submit the required documentation, the person shall be determined to be ineligible. FSA shall notify ineligible persons in writing as soon as practicable, but no later than **March 11, 2009**. Use the language shown in the following notification letter of ineligibility.

Dear [challenged participant's name]:

This is to inform you that your eligibility to participate in the referendum on the Lamb Promotion, Research, and Information Order has been questioned.

In order for us to determine if your ballot is valid, you must provide us with supporting documentation showing that you were engaged in the production, feeding, or slaughtering of lambs between January 1, 2008, through December 31, 2008.

If, within five business days after the postmark date of this letter, we do not receive in the County Office additional documentation supporting your eligibility to participate in the referendum, your ballot will not be eligible to be counted.

F Appeals

A person declared to be ineligible by FSA can appeal the decision and provide additional documentation to the County Office within 5 workdays after the postmark date of the notification letter of ineligibility according to subparagraph E. FSA will make a final decision on the person's eligibility and notify the person of the decision no later than **March 23, 2009**. Use the language shown in the following letter to notify the person of the decision. Ensure that the second paragraph reflects the decision made by FSA.

Dear [challenged participant's name]:

This is to inform you that FSA has reviewed the documents that you provided in connection with the appeal regarding your eligibility to vote in the referendum on the Lamb Promotion, Research, and Information Program Continuance Referendum.

Based on your documentation, we have determined that you (meet/do not meet) the eligibility requirements. We are, therefore, (including/not including) your ballot among those that will be counted in the referendum.

AMS Instructions for Conducting the Referendum (Continued)**7 Additional Information****A Counting Requests**

If there are **no** ineligibility determinations to resolve, the ballots shall be counted on the same day as LS-86-1's are canvassed on **March 9, 2009**.

For County Offices that **do have** ineligibility determinations to resolve, the ballots shall be counted **after** the ineligible determinations have been resolved, but no later than **March 23, 2009**.

LS-86-1's shall be counted as follows:

- number of valid LS-86-1's cast
- number of persons favoring the Order
- number of persons **not** favoring the Order
- volume of production recorded by persons favoring the Order
- volume of production recorded by persons **not** favoring the Order
- number of invalid LS-86-1's.

B County Office Report

County Offices shall certify and transmit the results and expenses to the State Office as soon as LS-86-1's are counted, but no later than **March 27, 2009**. See Exhibits 3 and 4.

The results in each county may be made available to the public upon notification by the FSA Administrator that the final results have been released by the Secretary. A copy of the report shall be posted for 30 calendar days **following** the date of notification by the FSA Administrator in the County Office in a conspicuous place accessible to the public.

C State Office Report

Each State Office shall certify and transmit the following to FSA, DAFO as soon as possible, but **no** later than **April 2, 2009**:

- the results and expenses incurred by County Offices
- a report summarizing the data contained in each of the reports from County Offices.

Note: One copy of the State summary shall be filed for a period of 1 year and available for public inspection **after** the results have been released.

AMS Instructions for Conducting the Referendum (Continued)**7 Additional Information (Continued)****D Results of the Referendum**

The results of the referendum will be issued by USDA in an official press release and published in the FR.

E Disposition of Records

Each CED will place in a sealed container marked “Lamb Promotion and Research Program Continuance Referendum” all LS-86-1’s, accompanying documentation, any other related material, and county summaries. The records will be placed in a secure location under CED’s custody for a period of **not** less than 1 year after the date of notification by the FSA Administrator that the Secretary has announced the results. If the County Office receives **no** notice to the contrary from the FSA Administrator by the end of the 1-year period, CED or designee shall destroy the records.

News Release

County Offices shall include excerpts from the following in routine County Office newsletters and free press.

USDA Sets Date for Lamb Referendum

WASHINGTON, Dec 12, 2008 -- The U.S. Department of Agriculture today announced that it will offer lamb producers, feeders, and first handlers the opportunity to vote in a nationwide referendum on whether to continue or terminate the Lamb Promotion, Research, and Information Order, authorized under the Commodity Promotion, Research, and Information Act of 1996. The referendum will be held Feb. 2-27, 2009.

The referendum will be conducted at USDA's Farm Service Agency (FSA) county offices. To be eligible to vote, persons must certify and provide documentation, such as a sales receipt or remittance form, which shows they have been engaged in the production, feeding, or slaughtering of lambs during the period, Jan. 1, 2008, through Dec. 31, 2008.

Beginning Feb. 2, 2009, and continuing through Feb. 27, 2009, persons eligible to vote should obtain form LS-86 from a county FSA office either in person, by mail, fax, or via the Internet at: <http://www.ams.usda.gov/lsmarketingprograms>. Persons must vote in the referendum at the County FSA office where their administrative farm records are maintained. For those persons not participating in FSA programs, the opportunity to vote will be provided at the County FSA office where the person owns or rents land.

Form LS-86 and supporting documentation must be returned in person, by mail, or by fax to the appropriate county FSA office. The form and documentation returned in person or by fax must be received in the appropriate county office prior to the close of business on Feb. 27, 2009. The form and documentation returned by mail must be postmarked no later than midnight on Feb. 27, 2009, and received in the county FSA office by March 6, 2009.

USDA monitors activities of the American Lamb Board. The mandatory program is financed by producers, seedstock producers (breeders), feeders, and exporters who are assessed one-half cent (\$.005) per pound when live ovine animals are sold. The first handler, primarily packers, pays an additional 30 cents per head on ovine animals purchased for slaughter.

Notice of the referendum will be published in the Dec. 16, 2008, Federal Register. Copies of the Final Rule and Notice are available from the Marketing Programs Branch; Livestock and Seed Program, AMS, USDA; STOP 0251 - Room 2628-S; 1400 Independence Avenue, SW; Washington, D.C. 20250-0251; tel. (202) 720-1115; or via the Internet at www.ams.usda.gov/lsmarketingprograms.

List of State and County Expenses for Lamb Promotion, Research, and Information Order Referendum

This form is available electronically.

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

**LIST OF STATE AND COUNTY EXPENSES FOR LAMB PROMOTION, RESEARCH,
AND INFORMATION ORDER REFERENDUM**

1. STATE NAME	2. COUNTY NAME	
PART A - TO BE COMPLETED BY COUNTY OFFICE		
3. List Grade and Title of personnel working on referendum, including COC	A. Hours Worked	B. Costs
		\$
		\$
		\$
4. Reproduction Costs		\$
5. Mailing Costs		\$
6. TOTAL:		\$
7. County Office Certification:		
I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.		
A. NAME OF PREPARER	B. TITLE OF PREPARER	C. DATE PREPARED (MM-DD-YYYY)
NOTE: County Office shall email or FAX results to State Office.		
PART B - TO BE COMPLETED BY STATE OFFICE		
8. List Grade and Title of personnel working on request for referendum, including STC	A. Hours Worked	B. Costs
		\$
		\$
		\$
9. Reproduction Costs		\$
10. Mailing Costs		\$
11. TOTAL:		\$
12. State Office Certification:		
I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.		
A. NAME OF PREPARER	B. TITLE OF PREPARER	C. DATE PREPARED (MM-DD-YYYY)
NOTE: State Office shall email or FAX results to National Office. ATTENTION: Rick Pinkston at rick.pinkston@wdc.usda.gov or Fax to (202)720-1096.		

Transmittal of Results Sheet for Lamb Promotion, Research, and Information Order Referendum

<p>This form is available electronically.</p> <p style="text-align: center;">U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency</p> <p style="text-align: center;">TRANSMITTAL OF RESULTS SHEET FOR LAMB PROMOTION, RESEARCH, AND INFORMATION ORDER REFERENDUM</p>		
1. STATE NAME	2. COUNTY NAME	
PART A - TO BE COMPLETED BY COUNTY OFFICE		
3. Total number of valid LS-86-1 favoring the Order.		
4. Total number of valid LS-86-1 not favoring the Order.		
5. Total number of valid LS-86-1 cast. (line 3 + line 4)		
6. Total volume of production recorded on valid LS-86-1; Section B, favoring the Order.		
7. Total volume of production recorded on valid LS-86-1; Section B, not favoring the Order.		
8. Total number of invalid LS-86-1 cast.		
<p>9. County Office Certification:</p> <p>I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.</p>		
A. NAME OF PREPARER	B. TITLE OF PREPARER	C. DATE PREPARED (MM-DD-YYYY)
<p>NOTE: County Office shall email or FAX results to State Office.</p>		
PART B - TO BE COMPLETED BY STATE OFFICE		
10. Total number of valid LS-86-1 favoring the Order.		
11. Total number of valid LS-86-1 not favoring the Order.		
12. Total number of valid LS-86-1 cast. (line 10 + line 11)		
13. Total volume of production recorded on valid LS-86-1; Section B, favoring the Order.		
14. Total volume of production recorded on valid LS-86-1; Section B, not favoring the Order.		
15. Total number of invalid LS-86-1 cast.		
<p>16. State Office Certification:</p> <p>I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.</p>		
A. NAME OF PREPARER	B. TITLE OF PREPARER	C. DATE PREPARED (MM-DD-YYYY)
<p>NOTE: State Office shall email or FAX results to National Office. ATTENTION: Rick Pinkston at rick.pinkston@wdc.usda.gov or Fax to (202)720-1096.</p>		

Referendum Calendar

Dates	Event
January 1, 2008, through December 31, 2008	Representative Period
February 2, 2009, through February 27, 2009	Referendum Period (4 weeks)
February 27, 2009	FAX and in-person LS-86-1's must be received by COB.
February 27, 2009	Mail-in LS-86-1's must be postmarked no later than midnight.
March 6, 2009	Mail-in LS-86-1's must be received in the County Office by COB.
March 9, 2009	FSA begins canvassing and counting votes. FSA should begin notifying ineligible producers in writing.
March 11, 2009	Last day for FSA to notify ineligible producers in writing.
March 23, 2009	Last day for ineligible producer to provide additional information about eligibility.
March 23, 2009	Last day for FSA to determine eligibility.
March 23, 2009	All votes must be counted.
March 27, 2009	Final date for County Offices to send results to State Offices.
April 2, 2009	Final date for State Offices to send results to DAFO.

Questions and Answers About the Required Referendum on the Lamb Promotion, Research, and Information Order

Q1. How was the Lamb Checkoff Program established?

A1. The Lamb Promotion, Research, and Information Order (Order), more commonly known as the Lamb Checkoff Program, was authorized by the Commodity Promotion, Research, and Information Act of 1996 (Act). The final Order, which was published on April 11, 2002, outlines how the Lamb Checkoff Program is to be carried out. Assessments began July 1, 2002.

Q2. Who administers the program?

A2. The Lamb Checkoff Program is overseen by the Secretary and carried out by the Lamb Promotion, Research, and Information Board (Board). The 13-member Board, which is comprised of producers, feeders, seedstock producers, and first handlers (packers), administers the Lamb Checkoff Program. The Board is nominated from State and national producer, feeder, seedstock, and first handler organizations and appointed by the Secretary.

Q3. What is USDA's role in the program?

A3. USDA has 2 basic roles under the Act. The first role is to assist with the implementation of the Act, which includes preparing and publishing in the FR the rules and regulations, referendum rules, and other required documents. The second role is to oversee the Lamb Checkoff Program's activities conducted by the Board to ensure that the Board complies with the law.

Q4. What is a referendum?

A4. The Order provides that USDA must conduct a referendum no later than 7 years after assessments began to determine whether the Lamb Checkoff Program should be continued or terminated. Those eligible to participate in the referendum will decide whether the Lamb Checkoff Program will continue. Subsequent referenda shall be conducted at the request of the Board, at the request of 10 percent or more of the number of persons eligible to vote in referenda, and at the request of the Secretary.

Q5. Where and when will the referendum be conducted?

A5. The referendum will be conducted at County Offices. Individual producers, feeders, and first handlers and authorized entity representatives may cast a ballot between **February 2, 2009**, and **February 27, 2009**, at the County Office at which their administrative farm records are maintained. Producers who do **not** participate in FSA programs and do **not** have a County Office at which their records are maintained, may cast a ballot at the County Office serving the county where the land is located on which the lambs were produced.

Questions and Answers About the Required Referendum on the Lamb Promotion, Research, and Information Order (Continued)**Q5. Where and when will the referendum be conducted? (Continued)**

Eligible persons may obtain LS-86-1 by mail, in person, telephone, or FAX during the period **February 2, 2009**, and **February 27, 2009**. LS-86-1 may also be obtained through the Internet at <http://www.ams.usda.gov/lsmarketingprograms> during the same time period. Ballots submitted by mail must be postmarked no later than midnight **February 27, 2009**, and received in the County Office by **March 6, 2009**. All other requests for ballots made by FAX or in person must be received in the County Office by COB **February 27, 2009**. The canvassing of ballots will take place on **March 9, 2009**.

Q6. Who is “eligible”?

A6. Each person engaged in the production, feeding, or slaughtering of lambs and who provides evidence (such as a bill of sale or remittance form that they or the entity they represent have engaged in the production, feeding, or slaughtering of lambs between January 1, 2008, through December 31, 2008) is eligible to participate in the referendum.

Q7. Can a spouse, child, or partner participate in the referendum?

A7. A group of individuals (such as members of a family, joint tenants, tenants’ in common, a partnership, or owners of community property) is considered a producer entity and is entitled to a single “vote”. Individual members of a group (such as a spouse, child, partner, sibling, shareholder, etc.) are eligible to participate as an individual if they produced and marketed animals as individuals during the representative period.

Q8. Can a farm manager or other representative with power of attorney vote in the referendum?

A8. A farm manager or other representative may vote for a producer, feeder, or first handler entity for which they have FSA-211, if the entity meets **all** of the eligibility criteria. Participation by FSA-211 or proxy for an individual is **not** authorized.

Q9. Who will participate in the referendum?

A9. Only those persons who wish to vote in the referendum may participate. Voting in the referendum is **not** mandatory.

Q10. How is the outcome of the referendum determined?

A10. Approval in a referendum would require approval by a majority of those persons voting and who represent a majority of the volume represented in the referendum.

Example of LS-86-1, Lamb Promotion, Research, and Information Order Referendum

REPRODUCE LOCALLY. Include form number and date on all reproductions.		FORM APPROVED - OMB NO. 0581-0093
UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE		
LAMB PROMOTION, RESEARCH, AND INFORMATION ORDER REFERENDUM		
NOTE: For the purpose of this referendum, "Lamb" means ovine animals of any age, including ewes and rams.		
<u>Please Complete Sections A, B, C, and D</u>		
Section A:		
Do you favor the continuation of the Lamb Promotion, Research, and Information Order?		
Yes <input type="checkbox"/> No <input type="checkbox"/>		
Section B: Type(s) of Production		Enter Number of Lambs
Producer/Seedstock -Total number of domestic lambs owned and produced during calendar year 2008		
Feeder -Total number of lambs owned and fed during calendar year 2008		
First Handler (Packer) -Total number of lambs slaughtered during calendar year 2008		
Total:		
Section C: Name and Address		
Name of person or Other Entity Represented: (Print)		
Address: (Street, P.O. Box, or Route No.)		
City:	State:	Zip Code:
Section D: Certification Statement and Signature		
<p><i>I HEREBY CERTIFY that I am a person (any individual, group of individuals, partnership, corporation, association, cooperative or any other legal entity) or authorized representative and have engaged in the production, feeding, or slaughtering of lambs sometime from January 1, 2008, through December 31, 2008. I am voting only once in the same capacity registered.</i></p> <p><i>I FURTHER CERTIFY that the supporting documentation that I am providing along with this form and the volume of production voted is true, complete, and correct.</i></p> <p><i>FAILURE TO PROVIDE supporting documentation showing that the person voting was engaged in the production, feeding, or slaughtering of lambs from January 1, 2008, through December 31, 2008, enter number of lambs, complete the ballot in its entirety, or provide a signature will invalidate this ballot.</i></p>		
_____ Signature		
_____ Title	_____ Date	
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LS-86-1		